

Law Enforcement News

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Secret weapon against terrorism? Chiefs say community policing is an ace in the hole

By Jennifer Nislow

Any remaining doubts about the efficacy of community policing should have been dispelled last month when such programs provided law enforcement not only with a vehicle for communicating a reassuring message to fearful residents, but a means for gathering information that may yet help further the federal investigation into the terrorist attacks on the World Trade Center and the Pentagon.

According to a sampling of police chiefs canvassed by Law Enforcement News, community policing initiatives will not — and should not — be jettisoned as resources and priorities get shifted in the wake of the attacks on Sept. 11.

"One thing that concerns me in the country's dealing with this issue is that the concept of community policing does not get lost," said Minneapolis Police Chief Robert K. Olson, who is president of the Police Executive Research Forum. "Not that we aren't going to be doing it — don't get me wrong — but I believe that even from a national security standpoint, community policing could well be our number-one line of defense."

There are hundreds of thousands of immigrants from Middle Eastern countries who have

resettled in major cities and hold a different perception of law enforcement, Olson noted. Minneapolis alone has 20,000 Somalis that it did not have 10 years ago, he said. And the community policing relationships with these groups are not good. Law enforcement, he said, should take steps to enhance those ties and establish positive communication with such immigrants.

Given the planning that went into the World Trade Center and Pentagon attacks, the ability of local police to preempt terrorist attacks is minimal, said Olson. The scenarios of criminal activity motivated by profit, revenge or escape that guide law enforcement do not apply, he said, when the perpetrators welcome death as a blessing.

"If a police department were to get a phone call about three foreign nationals of suspicious nature taking flying lessons, keeping to themselves, then we'd know something and maybe we could preempt," said Olson. "That's where I think it would be good to really build those relationships. I hope nationally we don't lose sight of continuing community-oriented policing initiatives that the government's been so good about and all our police departments do."

Last month, a tip from a suspicious landlord to

Racial profiling is no longer as simple as black & white — if it ever was.

See Page 11.

Cedar Rapids, Iowa, authorities led to the indictment of a man sought in the investigation. U.S. Secret Service agents arrested Youssef Hmounsa on Sept. 28, charging him with having fraudulent documents. Hmounsa had as many as three aliases, and one of those, Michael Saisia, appeared on a false visa, identification form and immigration form found during a Sept. 17 raid in Detroit, according to court documents.

The incident "underscores the value of community policing," said Chief William Moulder of Des Moines, which is about 150 miles southwest of Cedar Rapids.

In Portland, Maine, where two of the terrorists, Mohamed Atta and Abdulaziz Alomari, spent the night before hijacking the planes that they crashed into the Twin Towers, Chief Michael Chitwood believes his department's initiatives are needed to maintain stability in the community.

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Study finds black-white gap in officers' views on abuse of force

Nearly half of the African American officers who participated in a recent study on abuse of authority believe police are more likely to respond with physical force when a suspect is either poor or black than when confronted in a similar situation by one who is white and middle-class.

The finding was among the most striking in a report by the Police Foundation, which was released in August. The study's authors also found that a substantial minority of officers believe the law does not allow them to use enough force to do their jobs, and that most officers agree that failure to report improper conduct by fellow officers is not unusual.

Overall, nearly 2 in 10 officers believe that whites are treated better than African Americans and other minorities, and more than 1 in 10 said blacks are subjected to more police violence than are whites. Moreover, 14 percent of respondents said physical force is used more against the poor than it is against middle-class subjects.

The gap between black officers and white officers became even more apparent, said the study, when the two groups were broken down even further to African Americans and other minority officers. Black officers, it said, held the most distinctive views on these issues.

"We did not expect this in a profes-

sion with as strong a common culture as policing, and I doubt that others would have," said David Weisburd, the study's lead author and a professor of criminology at the Hebrew University Law School in Jerusalem. "This issue did not come up in our focus groups, and we did not find direct explanation in the literature. The differences here are very large and strongly statistically significant," he told Law Enforcement News.

When asked whether they thought whites were often treated better by police than blacks and other minorities, only 11.2 percent of white officers and 21 percent of other minority officers agreed, as compared with 46.7 percent

of African American respondents.

Forty-seven percent of black officers agreed that physical force is more likely to be used against African Americans than whites in similar situations. Just 4.5 percent of white officers felt this way, and 10 percent of officers of other races. Nine percent of black officers said they strongly agreed with this statement.

More than 45 percent of black officers also agreed that physical force was more likely to be used against the poor than against the middle class. By comparison, just 8 percent of white officers agreed, as did 13 percent of other minority officers. Again, 9 percent of African American officers said they strongly agreed with this.

While the study does not provide an answer as to why these differences exist, Weisburd said, it does imply that race plays a powerful role in the ways questions of abuse are defined by police officers, particularly with regard to community policing.

"Our survey suggests that race is an issue not only in the policing of communities, but also in the development of attitudes among police officers themselves," he said. "These findings point to the importance of identifying why these differences emerge and how we can explain them."

"But the differences in themselves are fascinating," Weisburd added. "Ninety-five percent of white officers disagree that police officers are more likely to use physical force against blacks and other minorities. Yet, 57

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PD's mega-buck budget surplus has some officials sharpening their knives

Officials in the city of Kenner, La., are at odds over whether to maintain a hands-off policy toward a budget surplus of \$6.8 million accumulated over the past few years by the local police department, or to redistribute those funds.

Since 1997, the department has put away between \$2 million and \$3 million annually over and above a \$14-million budget. Kenner pays its police one of the highest starting salaries in the state — \$30,000 — and has a new \$10.2-million police complex and jail. The department also plans to build a

\$300,000 horse stable for its mounted patrol.

The department's wealth comes from a number of sources, including the Treasure Chest Casino, which opened in 1994. Between the lease negotiated by the city and an additional one negotiated by Chief Nick Congemi, the total amount of revenues received by the department comes to \$2.5 million a year. Some 24 percent of the city's undedicated dollars go to the department, as well, under a city ordinance. That comes to more than \$6 million a year, or about 40 percent of the agency's

budget. It also shares in a fixed, quarter-cent parishwide sales tax with the Jefferson Parish Sheriff's Office, which raises about another \$3 million annually. The remainder of the money comes from fines, airport sales taxes and other sources.

That sales tax was renewed by an overwhelming percentage of voters last year, said Congemi, who favored increased funding for the police department. What the council wants to do, he told Law Enforcement News, is take that money and use it for a tax rebate, which will come in the form of reduced

trash rates.

"A tax cut to me is simply saying, 'Let's cut the taxes, let's not collect any more taxes,' said Congemi. "But what they want to do is use this money to give people refunds in terms of a discounts on a garbage pickup. Now there aren't many people in this city who would agree that they want the money back in garbage rebates," he said. "They already voted by 84 percent to fund the police at an adequate level. They didn't vote to give us an additional \$3 million for the council to now try to impose

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Around the Nation

Northeast



DISTRICT OF COLUMBIA — A policy that requires female police and fire applicants to take pregnancy tests has been drawing criticism from employment law experts. Diana Haines Walton, deputy director of human services said that if a female applicant tests positive for pregnancy, the job offer is put on hold. Officially say the policy is intended to protect the applicant from the physical demands of the job, but some say the policy clearly violates the federal Pregnancy Discrimination Act.

MARYLAND — Three state troopers who used the controversial nutritional supplements creatine and ephedra while trying out for spots on an elite tactical assault team were hospitalized with kidney dysfunction following their second day of training. Some medical experts have questioned the safety of the supplements but they are not banned by the Food and Drug Administration.

An audit has discovered a pattern of sick leave abuses in the Anne Arundel County Police Department. The county's independent auditor found abuse in 7 out of 12 cases in a sampling — all involving employees nearing retirement. Sick leave abuse is said to be especially common before retirement, when officers who have a lot of accrued sick leave realize that they may have no chance to use most of it.

A proposed oversight plan that would allow civilians to investigate officers, subpoena witnesses and influence discipline as a way of bolstering public confidence in the Prince George's County police will be meaningless unless legislators are willing to overhaul state laws that shield police from outside scrutiny, observers say. The police union, however, has promised vigorous opposition to any proposed change. According to The Washington Post, the county police shot and killed more people, per officer, than any other large department in the country over the past decade. All 122 shootings have been deemed justified.

On Sept. 5, Anne Arundel County police fired a veteran 911 operator and a dispatcher accused of mishandling a call about a carjacking victim who was found dead on Aug. 12. A woman called 911 to report that she had seen four men in a van crash into the back of a car and then lead a woman away at gunpoint. The witness called twice, hanging up the first time. When she called the second time, the operator erred by merely adding the information about the carjacking to the bottom of the note about the previous hang-up call. The dispatcher then failed to spot the new information and send officers to the scene.

MASSACHUSETTS — Luiz Drtiz, a Springfield man who splattered blood on police during his arrest and refused to disclose his HIV status, has been sentenced to three to seven years in prison for armed assault with intent to murder, assault and battery on a police officer, and witness intimidation. After his arrest, a district court judge ordered that Drtiz reveal his HIV status, but the state's highest court overturned that

order. Since then, Western Massachusetts lawmakers have pressed for legislation that would require criminal defendants to say whether they have HIV or other infectious diseases.

A \$6,500 grant from the Leicester Savings Bank Fund has enabled the Leicester Police Department to equip all of its police cruisers with portable defibrillators. All officers have defibrillator training and will receive a refresher course on the new instruments.

The state is investigating why two police recruit training classes endured a hoot-camp atmosphere at the Agawam academy, where in 1988 a Pittsfield police recruit died after being denied water during training. Military style boot camps were banned in Massachusetts municipal police training academies four years ago but a 45-minute videotape of classes held last fall and winter shows trainers shouting directly into the faces of recruits, as well as engaging in other acts that tended to humiliate recruits.

NEW HAMPSHIRE — The state Supreme Court ruled Sept. 6 that police officers should inform citizens of their right to refuse warrantless searches. The decision came in the case of a black man who, after being pulled over by a Chesterfield police officer for speeding and a broken tail light, consented to a search of himself and the vehicle. A small amount of marijuana was found, and the man was subsequently convicted of drug possession. The high court reversed the verdict, saying that the evidence should have been suppressed.

NEW JERSEY — Federal authorities have subpoenaed records related to a unit of the Passaic County Sheriff's Department that seized almost \$30 million in drug money in less than three years — the last three years of former sheriff Edwin J. Englehardt's 27-year tenure, which has come under federal scrutiny. The federal inquiry has become an issue in the November election between Jerry Speziale, the Democrat, who headed the unit, and Republican acting sheriff Ronald S. Fava, who was appointed by Englehardt in May to serve the remainder of his term.

NEW YORK — Saratoga County is exploring the possibility of installing a reverse 911 system that would warn residents of storms or other emergencies. The decision came after the Public Safety Committee determined that using fire department sirens to alert residents may be unworkable.

A new federal investigation of the Buffalo Police Department — the third in 18 months — is said to be eroding public trust in the police and fostering doubts about the department's ability to police itself. The most recent allegations center on claims that five detectives shared in bribes from drug dealers in the early 1990s and placed false information in search warrants. The detectives in this instance have not been charged and still remain on active duty.

The police chiefs in Depew and Cheektowaga have asked the state Division of Criminal Justice Services to look at a merger of the two departments. The situation is complicated by a quirk of local geography — part of Depew, a village, is in Cheektowaga, while the rest is in Lancaster. Cheektowaga has

134 sworn officers; Depew has 29; and the town of Lancaster has 33. The state will examine the financial implications of a merger as well as issues of staffing, communication, equipment, buildings and other infrastructure.

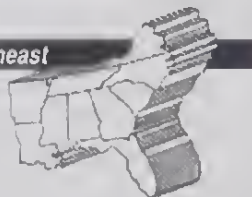
The Albany Police Department's new Community Response Unit, which took the place of the disbanded narcotics unit and relies heavily on neighborhood involvement to pinpoint crime, seems to be working effectively. So far this year, the 19-member unit has made more than 300 arrests for everything from illegal dice games to gang violence. Public Safety Commissioner John C. Nielsen, said that when the narcotics unit was disbanded, he wanted to replace it with a neighborhood-friendly unit.

Subway crime in New York City keeps plummeting. Last year, there were 4,262 felonies in the subways, compared to 17,497 in 1990. Crime-fighting ideas, like the "broken windows" theory, took root in the transit system, after the late crime strategist Jack Maple urged the tracking of patterns of crime and actively attacking problems instead of just reacting to them.

PENNSYLVANIA — In response to concerns from black ministers, the York Police Department is no longer describing its tactics as "zero tolerance," but rather will use the term "strict law enforcement." One minister said the term "zero tolerance" was "a red flag for the African American community."

A revised Pennsylvania State Police policy is aimed at clarifying when undercover vice officers go too far to get evidence, after two unidentified troopers accepted oral sex during a sting at a massage parlor. Officials said that the troopers did not reveal their identities and paid the woman because they wanted to get enough evidence to find the marked money in the hands of the massage parlor owners. The troopers were not disciplined.

Southeast



ARKANSAS — The State Police will receive \$1.5 million in federal funds to put video cameras in every patrol car. The cameras will keep a visual and audio record whenever an officer is dealing with a suspect.

FLORIDA — More than 82 Fort Pierce police officers and their families marched from the police station to a budget meeting at City Hall last month to protest not getting a raise this year. Brian Humm, president of the Fort Pierce Police Department Sergeants and Lieutenants Union, said that the department offers the lowest salaries in the area. This has turned the agency into a training ground, he said, where most officers leave after five or six years because they can't afford to work there.

Responding to the growing number of alcohol-related accidents and underage club-hoppers in Ybor City, Tampa police will start using hand-held scanners to spot fake IDs. The scanners are being funded by a Hillsborough County Anti-Drug Alliance grant. [See LEN, July/August 2001.]

DNA evidence has linked suspected serial killer Eddie Lee Mosley to the killing of an eighth victim, Loretta Young Brown. Mosley has already been linked to the deaths of five women, a teenager and a girl. Overall Mosley is suspected of killing 16 women and young girls in the Fort Lauderdale area between 1973 and 1987, but he has not been charged with any of the killings because he has been involuntarily committed to psychiatric institutions since 1988, when he was found incompetent to stand trial.

MISSISSIPPI — Two Columbus police officers, Brad Ray and Ernie Scarber, were given written reprimands in September for having a contest to see who could make the most arrests for DUI, drug violations and other offenses. Police Chief Billy Pickens said that it had nothing to do with a quota system.

NORTH CAROLINA — More than 130 drunken drivers, drug offenders and robbers who reported to jail were turned away by Mecklenburg County sheriff's deputies because they did not have the right paperwork. Probation officers had failed to fill out the forms.

Police officials from Greensboro, High Point, Winston-Salem and Archdale, along with the sheriff's departments in Guilford and Alamance counties, are looking into better coordination of high-speed chase policies in order to make the streets safer, after a motorcyclist being chased in Randolph County was killed last month when a deputy bumped into and ran over him. Lieut. Craig Hartley, the Greensboro police chief of staff, says he doubts area agencies could create a policy that everyone could follow, but that chase policies should complement each other.

Drug suspect Dmar Garcia Fernandez was shot and killed by officers at a fast-food restaurant Sept. 14 after he ran over and fatally injured Clayton police Lieut. Monica Carey. Police Chief Gary Ragland said Fernandez backed his car into Carey and dragged her about 30 feet in an attempt to escape.

TENNESSEE — A Davidson County grand jury on Sept. 7 indicted former Nashville police officer Mark A. Nelson for multiple counts of aggravated assault, vandalism of police cars, reckless endangerment, burglary and threatening a fellow officer. Nelson started a standoff with police on May 11 after he got upset over the romantic relationship of two officers, one of whom Nelson had previously dated.

Hamilton County sheriff's deputy Donald Bond, 33, was shot to death Sept. 6 while investigating a suspicious vehicle. Marlon Duane Kiser has been arrested and charged with Bond's death. Bond was the first Hamilton County deputy to be shot and killed in the line of duty in 78 years.

The five justices on the state Supreme Court, while disagreeing as to the constitutionality of driver's license checkpoints, ruled Sept. 11 that such roadblocks cannot be used as a subterfuge to look for other illegal activity. The ruling came in the case of a driver's license checkpoint established by state and local police outside Chattanooga in 1997. The court held that local authorities must have been looking for something more as they were accompanied

by drug-sniffing dogs. The roadblock led to the arrest of a man for possession of five pounds of marijuana.

If a proposed pilot program is funded, palm-sized portable computers should be in the hands of 100 Memphis police officers by Thanksgiving. The computers would be used to generate traffic tickets, provide Internet access and allow officers to call up crime statistics and photographs of suspects.

VIRGINIA — Crime and drug activity are said to be down sharply at the Hunt Manor and Afton Gardens housing developments in Roanoke since the police unit known as the Community Oriented Policing Effort began applying a federally mandated "one strike" process. The federal policy says that residents of subsidized housing can be evicted if they are found using or distributing drugs on or near the premises. So far, seven tenants have been evicted and three more cases are pending.

Responding to a flurry of drive-by shootings, several Suffolk housing developments have begun hiring off-duty police officers to patrol the complexes. The housing board hopes to finalize a contract with the police department to hire officers through a federal grant.

A former Norfolk police officer, Robert I. Leek, was indicted Sept. 5 on multiple counts of rape, use of a firearm in the commission of a felony and statutory burglary. Leek, who resigned from the department three days after his arrest, was accused by the 60-year-old victim of binding her with duct tape, sticking a gun in her mouth and raping her. DNA analysis has also linked Leek to the crime scene.

Midwest



ILLINOIS — Deonte N. Reed pleaded guilty on Sept. 5 to residential burglary after being accused of breaking into and setting fire to a home owned by Centerville Police Officer James Nichols. St. Clair County Prosecutor Judy Dalan said that Reed set the fire in order to prevent Nichols from moving into the neighborhood and disrupting illegal drug trafficking there.

INDIANA — Although State Police officials are saying that a 7-percent budget cut imposed on July 1 will not compromise public safety, police chiefs in some small local departments are fearful that the cut will mean reduced access to evidence technicians, forensic scientists and detectives.

KENTUCKY — Louisville Det. Frank D. Smith, a member of the governor's Council on Domestic violence and Sexual Assault, was accused Sept. 7 of twice pulling out a gun during a dispute with his estranged wife, Smith, who pleaded innocent to a felony count of intimidating a witness, is also accused by his wife, Eula, of throwing her against the wall and breaking a mirror during the dispute. The department has suspended his police powers and ordered him to surrender his firearms.

MICHIGAN — Thousands of state residents have received permits to carry concealed firearms since a new con-

cealed gun law took effect. Applicants are no longer required to demonstrate a need to carry a concealed weapon. Officials expect the new law will more than double the number of people allowed to carry concealed weapons, from 51,954 to about 125,000.

The former Internet home of the Flint Police Department is now the home of a pornography site. Police Chief Bradford Barksdale said that the department stopped payment on the domain name a few months ago after it was decided to combine the department's web site with the city's site. Since then, the old site has been used to provide links to photos of nude celebrities and other sex and bondage sites. Officials plan to send a cease-and-desist letter to the web site. [See LEN, Sept. 15, 2001.]

Over protests from the Detroit police Lieutenants and Sergeants Association, Wayne County Judge Gershwin Drain has ordered the Police Department to turn over documents to the U. S. Justice Department for its investigation of fatal shootings by officers, prisoner deaths in precincts and allegations that detectives illegally detained potential homicide witnesses. The union argued that the document transfer amounted to a change in working conditions and could not be done without union approval.

OHIO — More than 300 homicides that occurred in Columbus during the 1990s remain unsolved, a 30.1-percent rate of unsolved cases that is slightly lower than the national average. The greatest concentrations of unsolved homicides were in the neighborhoods surrounding downtown — the same areas with the most killings overall.

Residents of the Near East and South Side neighborhoods of Columbus were reportedly overjoyed by a September 10 gang sweep in which 50 officers in cruisers, police vans, unmarked cars, on bicycles and helicopters fanned the neighborhoods, looking to arrest members or associates of six street gangs. Columbus police said that the plan for the operation began about a year ago, after residents began complaining about drug houses, street dealing and drive-by shootings. Six gangs were targeted and 32 arrests were made by nightfall.

The state this month gave Cincinnati \$1.49 million to help pay for the costs of April's riots over the fatal police shooting of an unarmed black man. Officials said that most of the money will cover police overtime.

WEST VIRGINIA — As part of an effort to trim \$1 million from this year's Huntington municipal budget, the Police Department has closed its lobby and records room on weekends and holidays. The records room handles all public information dispensed at the main station.

WISCONSIN — The 20-month-old effort to obtain DNA samples from all of the state's imprisoned felons is beginning to reap benefits in Milwaukee County. Four convicts were charged this summer with committing rapes that occurred in 1995 and police and prosecutors have tentatively linked six more imprisoned felons to rapes. There are now about 40,000 DNA samples from felons in the data base and 800 more are being added each month.



IOWA — State law enforcement officials are trying to close a loophole that allows some police to work without meeting the legal requirement that they go through training and be certified within a year of hiring. In some cities, officers work for a year, quit and then get rehired or work somewhere else.

MINNESOTA — Police officers throughout the state are busting more methamphetamine labs than ever before, partly because of a new training program on compact disc. The four-hour program has been presented more than 200 times in the past 2½ years. Every law enforcement agency and fire department in the state has received the CD-ROM. Nearly 170 meth labs have been busted through the first eight months of this year — 30 more than in all of 2000.

MISSOURI — Police cars from six north St. Louis County municipalities are using a deterrence tactic called "wolfpacking," in which two-officer police cars slowly follow one another in a group down a street. Police from Charlack, Beverly Hills, Northwoods, Pagedale, Pine Lawn and Velda City are all joining in the wolfpacks, which are officially known as the North Central Mobile Reserve Unit. The unit saturates problem areas in each municipality to combat drugs, gangs and other crimes one shift each weekend.

St. Charles officials have decided to move up by a year a planned \$25,000 purchase of video-conferencing equipment and vehicle-mounted cameras for the police department. Said City Council president Rory Riddler, "I hate waiting on something that's designated as a safety issue. It just seems like we ought to have those cameras out there."

More and more police departments across the state are using reverse 911 systems that can be used by police to alert residents quickly by phone to a wide variety of emergencies. The automated systems combine a telephone data base with a computer map to create zones for calling.

NEBRASKA — A part of a federal effort to hire 832 additional officers in schools in 288 towns and cities nationwide, six Nebraska communities will receive nearly \$2.1 million for 17 full-time school resource officers.

SOUTH DAKOTA — Prosecutors have decided not to seek the death penalty against Kenneth Martin, the man accused of killing off-duty Rapid City Police Officer Robert Ludeman, who was his neighbor. Ludeman was shot three times in the front entry of his house. Martin later called police and turned himself in. Investigators have not yet revealed a possible motive.

State highway patrol troopers have begun preparing for the winter with a device that duplicates icy driving conditions. Skidcar, a device that attaches to a car's frame and uses a computer-controlled hydraulic system to raise or lower the ends of a vehicle, will cost

the state about \$40,000. About 160 Skidcar devices are being used by police agencies across the country.

Sex offenders on the Pine Ridge Indian Reservation are now required to register with tribal police within 10 days of coming to the reservation. The tribe is the first in the state, and one of only four in the nation, to pass such a law.



ARIZONA — Surprise police officer William E. Porter has been indicted by a Maricopa County grand jury for shooting a neighbor's dog. He is accused of taking a shotgun and firing on the dog after it crossed into his yard. The dog's owner had to shoot the dying animal to put it out of its misery. Porter, who was served with a notice of intent to terminate his employment, has appealed the case and is expected to go to arbitration.

COLORADO — The newest weapon in the war on crime in Aurora is a \$270,000 mobile command post. Since January, it has been deployed more than 30 times to everything from SWAT operations to parades. Funding for the command post came from federal grants, supplemented by drug seizure money.

OKLAHOMA — A group of black Tulsa police officers who filed a federal class action lawsuit against the city has proposed a settlement that calls for sweeping changes in the department, including an oversight board and changes in recruitment and training. The proposal also includes back pay for minorities denied promotions due to discrimination. City officials did not respond immediately to the offer. The suit is due to go to trial next April 15.

TEXAS — Dallas police Sr. Cpl. Norman Bell III, who is accused of kidnapping and raping a woman, was fired Sept. 7, three days before his criminal trial was to begin. Police linked Bell's DNA samples to evidence collected during the woman's hospital examination, but Bell's attorney said that the DNA only proved that Bell had sex with the woman, not that he raped her.

San Antonio police officers Thomas Chronis and Michael Pitts have been fired for failing to report being asked to guard drug shipments as part of the federal sting that resulted in the arrests of 10 other officers earlier in the year. Two other officers are also under investigation for allegedly breaking the same rules that require officers to report crimes.

A handgun that a teen-ager used on Sept. 4 in a confrontation with Fort Worth police belongs to a Watauga Department of Public Safety officer. The weapon was packed in a box that the officer was moving from his home. The teen, who is the officer's brother-in-law, was shot after leading police on a high speed chase and pointing a gun at them when his car was stopped by spikes thrown on the highway. No disciplinary actions will be taken against the Watauga officer.

An internal memo that shows that Arlington police training officers were instructed earlier this year to carry live ammunition to training sessions will be presented as evidence at an appeals hearing for officers punished for their involvement in the June 7 shooting death of Cpl. Joseph Cushman. A sergeant was demoted to officer and a lieutenant received a written reprimand for their roles in the fatal SWAT training session. Contrary to rules that ban the practice, the memo clearly states that the scenario coordinators should carry live ammo. The officer who fired the fatal bullet, Blane Shaw, was cleared of criminal wrongdoing by a Tarrant County grand jury.

UTAH — Provo police say that the theft of metal parts to sell as scrap is the latest craze among drug addicts seeking quick cash. Thieves have snatched wires and pipes from construction sites, back yards and garages. They have also been known to steal aluminum siding, light fixtures and spools of cable. Some owners of salvage and recycling businesses have gone as far as asking for a thumbprint from customers.

Smithfield Police Officer Jeffrey Joseph Peterson has confessed to molesting a northern Cache County boy and named two other potential victims. The alleged sexual abuse happened before he worked in law enforcement, according to Police Chief Johnny McCoy.



CALIFORNIA — Gang member Catarino Gonzalez Jr., who was convicted of first-degree murder for killing Los Angeles police officer Filberto Cuesta, Jr., was sentenced Sept. 14 to life in prison without parole. On Aug. 9, 1998, Cuesta was shot in the head in his patrol car as he and his partner were investigating a wedding reception attended by gang members.

In San Bernardino, police and religious leaders are teaming up to cut crime by mingling law enforcement and faith, in an effort that will be part of the Cops and Clergy Network.

The city of Oxnard, which has a population of 170,000, has seen five people fatally shot by police so far this year, a total equaling that of Los Angeles, which has 22 times the population. Police say four of the five people killed were mentally ill or emotionally disturbed.

Over the protests of Sheriff Lee Baca, Los Angeles County officials have ordered a temporary freeze on hiring, promotions and bonuses in the sheriff's department because it faces overspending its budget by \$25.3 million this year. Since Baca took office in 1998, critics say the department has become top heavy while the number of deputies and sergeants in the field has remained the same. Baca claims that contributing to the overspending is the \$17 million needed to train 2,000 new deputies in the past two years, \$38 million in salary and benefit increases approved by the Board of Supervisors, and a require-

ment to promote nearly 400 deputies to sergeant as a result of a 1981 sexual harassment case.

San Diego Police Chief David Bejarano recently shuffled some of his top aides, with the retirement of Executive Assistant Chief Barbara Harrison, the department's No. 2 official, and the promotion of Assistant Chief John Welter to take her place. Capt. Adolfo Gonzales was promoted to the rank of assistant chief and Pat Drummy, a 26-year veteran, was named to the department's top civilian job, director of administrative services.

NEVADA — The state attorney general's office plans to defend a 1999 law that authorizes the prosecution of people who knowingly file false complaints against police. The constitutionality of the law became an issue in the case of Robert Eakins, who was held in jail for 14 hours by Reno police after writing a letter complaining about police conduct. The city of Reno settled that case for \$38,150. The ACLU of Nevada maintains that the law violates a person's free-speech rights and will deter legitimate complaints about police misconduct.

Larry Peck, accused of killing Reno Police Officer John Bohach in a stand-off with a high-powered rifle on Aug. 22, warned several times that he was "going to kill a cop." He was bound over to Washoe District Court for trial for first-degree murder. Bohach died after he was hit in the chest by a single armor-piercing bullet, which passed through a commercial van that he was crouching behind for cover. The stand-off ended when a SWAT team fired tear gas into the house. Bohach, 35, left a wife and two young daughters.

OREGON — State Police trooper Maria Mignano and Albany Police Officer Jason Hoerauf were killed and state police Sgt. John Burright was critically injured when a pickup truck struck them while they were assisting a disabled van. The driver of the truck, 19-year-old Jacob Todoriko, fell asleep at the wheel, according to his attorney. Todoriko, who has not been charged in the crash, was driving on a license that was suspended last November for failing to report his involvement in an accident.

WASHINGTON — False alarms from high-tech home and business security systems are becoming so prevalent in Seattle that police officials are weighing a variety of options, including the adoption of a wait-and-see strategy. Under such an approach, known as "verified response," officers don't respond until someone else — a resident, neighbor or security guard — first verifies the validity, then calls 911. Critics argue, however, that verified response unfairly punishes all alarm users and that 80 percent of all false alarms are caused by 20 percent of users.

Seattle police are searching for a man posing as a police officer who may be responsible for stalking a woman and raping another, as well as a shooting. There is no evidence to link the same man to all three incidents, but each assailant was described as being between 20 and 40 years old, around 6 feet tall, and wearing a holstered pistol and a blue shirt similar to those worn by an officer or security guard.

People & Places

Mass. exodus

The city of Raleigh, N.C., got its first female police chief last month when **Jane Perlov** assumed command of the police department after leaving the Massachusetts' Executive Office of Public Safety, which she led for three years.

One of her first orders of business, said the 44-year-old Perlov, will be to order security assessments in the North Carolina capital following the terrorist attacks on New York and Washington, D.C., that occurred just a week before she was sworn in on Sept. 17. The assessments, said Perlov, will examine security at municipal buildings, the department's readiness to respond to terrorism, rapid response plans, training and communication.

"Like everyone else in the world, it reminds us that we have to be really vigilant and can't be lax," Perlov told *The Associated Press*. "It can't happen here" will be banished forever from our vocabulary."

A former New York City police officer, Perlov was personally recruited for the post of secretary of public safety by then-lieutenant governor **Jane Swift**, after the two met at an event at Harvard University. "When you work...to attract extremely talented people into public service, they're also attractive to other employers," said Swift, now Massachusetts' acting governor.

Perlov served with the New York City Police Department for 18 years, leaving in 1998 as Bronx borough commander with the rank of deputy chief. In Massachusetts, she led an umbrella

agency that oversaw a \$1-billion budget and 10,000 employees in 22 state agencies and commissions, including the state police and the National Guard.

In Raleigh, Perlov succeeds **John Knox**, who had been serving as interim chief following the retirement of **Mitch Brown**. Her successor in the Massachusetts post is state Senator **James Jajuga**, a 54-year-old retired state police officer. Jajuga served six terms in the Senate and co-chaired the Committee on Public Safety. Said Swift of her appointee: "He brings a passion to government. He has life experience in the public safety area."

Pitbull wanted

East St. Louis, Ill., Police Chief **J.W. Cowan** was replaced last month by Sgt. **Delbert Marion**, a former police union president and director of the department's internal affairs division.

The switch was ordered by City Manager **Harvey E. Henderson**, who has the authority to make appointments under a new contract approved by East St. Louis's state-imposed financial oversight committee.

Marion, nicknamed "Pitbull," was profiled as a "top cop" in a national television broadcast in 1990 which detailed his shooting of a rapist more than a decade earlier. A veteran officer, he joined the department in 1977 and began working undercover drug stings. Later, he was a homicide detective and deputy commander of the St. Louis Major Case Squad, which investigates high-profile murders throughout the region.

"I have a zest for seeing a job is done correctly," he told *The St. Louis Post-Dispatch*. "We're going to have a new image for the citizens."

Cowan, who had been chief for two years, said he did not know why he was replaced. He planned to remain part of the force, he said.

Marion said one of his objectives will be to upgrade the beleaguered force's technology and reorganize personnel. "We have some immediate goals," he said.

Bush's man

Richard R. Nedelkoff, President Bush's nominee for director of the Bureau of Justice Assistance, was confirmed by the U.S. Senate on Sept. 14.

It will not be the first time Nedelkoff and Bush have worked together. Prior to his new post, Nedelkoff served for three years as executive director of the Criminal Justice Division for the Office of the Governor of Texas, where he ran an agency that provides more than \$140 million in state and federal funds for juvenile justice, criminal justice and victims services.

He was also executive director of the Florida Network of Youth and Family Services and served as regional director of the state's Department of Juvenile Justice. There, Nedelkoff directed the planning and operations of juvenile justice services in a 14-county region of northern Florida.

A graduate of University of Louisville and Capital University School of

Law, Nedelkoff has created a string of juvenile justice and criminal justice programs throughout Texas, Florida, Ohio, Virginia and Kentucky which have served as models for other agencies across the nation.

"[He] brings an impressive record of experience to the Bureau of Justice Assistance," said Attorney General **John Ashcroft**. "He has demonstrated his leadership, work ethic and abilities for more than 20 years, and I look forward to working with him at the department."

St. Pete repeat

When **Mack Vines** stepped down as police chief of St. Petersburg, Fla., 21 years ago, he was in the vanguard of a new generation of young police executives, on his way to leadership positions in a variety of other local and federal agencies. On Oct. 5, the former chief, now 63, returned to lead the St. Petersburg agency once again.

It was a gut decision, said Mayor **Rick Baker**, who chose Vines last month from a pool of four finalists. "Whether it was calm or crisis, who would I feel had the experience, background, knowledge and temperament?" Baker told *The St. Petersburg Times*. The answer that kept coming back, he said, was "Vines."

As chief from 1974 to 1980, Vines eased the department's poor relationship with the city's black community by getting residents more involved with the agency and promoting more minorities. Before community policing was a catch phrase on the tongue of every police chief in the country, Vines was implementing team policing, a forerunner of the concept, which the department funded with a federal grant.

"I have felt that the community and the police together can solve many problems and contributing factors to disorder in the community," he said. "During the 1970s, as a lieutenant, I was sent to numerous cities throughout the nation to study efforts being made to more involve citizens in the fight against crime and disorder."

Vines said that while he has no specific changes in mind, he will keep the department's community policing program. It is the officer's initial approach, he said, which dictates the tenor of an encounter, not necessarily the citizen's. "If the approach is abrupt, more than likely the reception will be the same."

He also plans to saturate drug areas with sworn personnel, increasing officer presence through "directed patrols." After identifying trouble spots through analysis of crime statistics, Vines said he will assign officers there and keep following drug dealers until they either end their activity or an arrest is made. "It's proactive, effective patrolling," he said.

Field interrogation reports, in which officers ask people their names, dates of birth and other information during street interviews, may have been criticized in the past, but Vines said he sees them as an important crime-fighting tool. A review of the practice, however, found that between January 1996 and August 1997, black residents were three times more likely to be stopped than were whites.

After leaving St. Petersburg in 1980, Vines served as police chief in Char-



Sign of anguish

The wife of Port Authority police officer **Liam Callahan** holds up his picture during a memorial gathering for victims of the World Trade Center collapse at Liberty State Park in Jersey City, N.J., on Sept. 23. Callahan was one of dozens of Port Authority officers lost in the terrorist attack. (Reuters)

lotte, N.C., from 1980 to 1985, in Cape Coral, Fla., from 1987 to 1988, and in Dallas, where he was fired in 1990 after being indicted for perjury. He was later acquitted of the charge that he lied to a panel investigating the firing of a white officer who shot and killed an unarmed Mexican citizen.

Vines also served as director of the federal Bureau of Justice Assistance, from 1985 to 1987, and after leaving Dallas he was director of the Southeastern Public Safety Institute at St. Petersburg Junior College for eight years. Until his return to St. Petersburg, Vines was working as a case manager for the Pinellas County Sheriff's Office. Vines replaces **Goliath Davis III**, who stepped down as chief to become deputy mayor for midtown economic development.

"I have a real burning desire to get back at the helm of the department and see if there's any way all of us together can improve on what we're doing internally and externally," Vines told *The Times*.

Peed at COPS

Carl Peed, the Virginia director of juvenile justice, was tapped last month by Attorney General **John Ashcroft** as the new head of the Justice Department's Office of Community Oriented Policing Services.

Praising Peed as a strong leader, Ashcroft said, "He did a fine job running the juvenile justice agency in Virginia and I know he will lead the COPS office with the same integrity and energy."

Before taking the reins as director

of juvenile justice in 2000, Peed was sheriff of Fairfax County, Va. During his 10-year tenure there, which included being re-elected twice, he led a nationally accredited department of 560 employees and managed a \$35-million budget.

Executive Chambers

The National Association of Woman Law Enforcement Executives (NAWLEE) selected **Durham, N.C.**, Police Chief **Theresa Chambers** as its new president at its annual conference in August.

NAWLEE, which has about 350 members nationwide, mentors female law enforcement personnel through the ranks of their departments by providing a network and support system, said **Susan Kyzer**, the organization's treasurer, who is executive director of the Commission for Florida Law Enforcement Accreditation.

"The president of NAWLEE is called upon to do a lot of things and respond to areas where people are seeking information about women in law enforcement," she said.

Chambers has been Durham's chief since 1998. She holds a bachelor's degree from the University of Maryland and a master's from Johns Hopkins University. She got her start in law enforcement in 1976 with the Prince George's County, Md., Police Department.

It is an honor, Chambers said, to be elected president of what she called "the organization of choice for women law enforcement professionals."

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Palm prints lend a hand to investigators

With its new capacity to compare palm prints, thanks to a \$2.5-million data base that went online this summer, the San Francisco Police Department expects to take a serious bite out of crime, particularly property crimes.

The SFPD is not the first law enforcement agency in the nation to develop a palm print data base, but it is the first major-city department to do so. Called the Palmprint AFIS, the data base contains 400,000 palm prints. "It takes a lot of computer horsepower to do this," Jim Norris, the agency's director of forensic services, told The San Francisco Chronicle. "It's a big leap to go from...a fingerprint to a palm print."

Experts estimate that palm prints represent at least a third of prints found at crime scenes. "If you think of someone gripping a knife, it's the palm," said Wally Briefs, senior vice president of Cogent Systems, Inc., the company that provided the software for the palm print data base used by the Dayton Police Department and Montgomery County Sheriff's Office in Ohio, which had been the country's largest with 120,000 entries.

"The handle of a gun, a palm. If I close the door of a car, what do I close it with? The palm," Briefs told The Dayton Daily News.

In March, Dayton police arrested a

17-year-old Harrison Township boy for a home invasion based on palm prints found at the scene. The data base matched the prints to those of the suspect, Andre Reine, two days after the crime. Reine is one of 96 suspects who have been identified through palm prints by the Miami Valley Regional Crime Lab went online with the system in 2000, officials said.

While entering just the first four palm prints into the system, San Francisco police Insp. Mike Gaynor of the Crime Scene Investigations team got his first hit—a positive match with a print linked to an unsolved hit-and-run. The agency plans to enter palm prints from

violent felonies, including rape and murder, over the next few months.

"It's going to make an impact," Gaynor told The Chronicle. "I'm anticipating at least a 15- to 20-percent drop in property crimes." Twenty years ago, when the agency got its first computerized fingerprint system, residential burglaries dropped by about 25 percent over the next few years.

Palm print technology works by matching an individual to the lines, ridges and shapes of their hands. While similar to fingerprints, in that they are unique to each person, palm prints give investigators a larger surface to work with and more points of comparison. A

fingerprint can have more than 30 identifying marks called minutia, a palm print can have more than 500. Those ridges visible to the naked eye are ignored by the computer.

"It's not like a fortune teller," said Norris, the forensic services director.

The York County, S.C., Sheriff's Office will also be getting the palm-printing technology. Last month, the County Council approved the purchase of an \$80,000 fingerprinting and palm-printing system for the county jail. The new equipment should be installed over the next two months, said Assistant Jail Administrator Ralph Mistle.

"It will help better serve our investigative division in solving major crimes," Sheriff Bruce Bryant told The (Rock Hill) Herald. "There's so much new technology out there. We try to stay one step ahead of the bad guys."

Miami PD learns that when you plant guns, you harvest bushels of trouble

Federal prosecutors warned last month that despite the indictments of more than a dozen current and former members of the Miami Police Department, the circle of officers believed to be involved in a plot to cover up a number of questionable shootings over the past few years has not yet been closed.

Eleven officers were taken into custody on Sept. 7. Of those, five had already been charged in March with conspiracy to obstruct justice; six more were charged in a superseding indictment that covered three additional shootings, and two retired officers pleaded guilty to conspiracy in exchange for serving no prison time.

Those arrested in Chief Raul Martinez's office included officers Israel Gonzalez, Jose Acuna, Jorge Garcia, Jose Quintero and Jorge Castello, said FBI spokeswoman Judy Orihuela. Officers Jesus Agüero and Arturo Berguinstain were arrested at home. The remaining four were expected to surrender to their attorneys, she said.

According to the 15-count indictment, the officers—all of whom had been members of the department's SWAT team or other elite crime suppression units when the incidents took

place—had allegedly lied to investigators and used "throw-down" guns to cover their tracks.

The case at the center of the probe involved the shooting of a 73-year-old widower, Richard O. Brown, who died in a hail of 123 bullets during a 1996 drug raid. In 2000, the city paid \$2.5 million to Brown's 14-year-old daughter, Janeka. The girl avoided being shot by hiding behind the toilet when six members of the department's SWAT team stormed their apartment in Overtown.

U.S. Attorney Guy Lewis said he authorized the investigation into the department after reading about the Brown case. He assigned it to his civil rights unit, but the probe failed to make headway. Prompted by the Miami-Dade Lawyers Association and People United to Lead the Struggle for Equality, Lewis reassigned the case to Allan B. Kaiser, a veteran prosecutor once applauded by Miami's undercover narcotics cops as "Hatchet Man," for his ability to hack through a pile of tough cases.

Kaiser took over the case in February, with the clock rapidly running out on the five-year statute of limitations. Within six weeks, a federal grand jury

charged Acuna, Berguinstain, Fuentes, Lopez and Macias with conspiring to hide information and knowingly misleading law enforcement officials.

In a court-filed bill of particulars, prosecutors listed those pieces of evidence they believed were manufactured by police to incriminate Brown. These included the .38 Smith & Wesson revolver the victim supposedly fired at police; a bullet indentation mark on Lopez's bulletproof shield that police said was made by Brown, and the bullet, bullet core, and bullet jacket.

Also included on the list are allegedly false statements made by each of the indicted officers. Berguinstain, Lopez, Macias and Fuentes are said to have sworn falsely that they saw Brown fire his revolver at them. They are accused of lying as well about seeing Brown with the .38 in his hand as he lay dead in his closet.

In 1995, four months prior to the Brown shooting, two unarmed purse-snatchers were shot in the back as they fled a robbery. According to the 15-count indictment handed down last month, retired officers William Hames and John Mervolion told prosecutors they were at the scene when Antonio Young and Derrick Wiltshire, both 19,

jumped off a highway overpass and ran. Although they noticed the suspects were empty handed, they still reported seeing them with guns, they said.

The indictment said that after Wiltshire and Young were both shot fatally in the back, Agüero knelt beside Young and said: "How does it feel to rob white people? Well, now you are going to hell and die." Agüero, the indictment said, fired a bullet into the pavement so it would ricochet and hit Young's front.

Agüero, a 17-year veteran, was dismissed by Martinez in July following a hearing by an internal disciplinary board into the wounding of a homeless man in the Coconut Grove section in 1997. In that case, the man, Jesse Runnels, was wounded in the leg by police who thought he was holding a gun. It turned out to be a Walkman-type stereo. Agüero, according to the indictment, brought out a gun he had been holding on to for 16 months and that Hames had cleaned of fingerprints. Mervolion told prosecutors he saw Agüero plant the firearm.

"The truth was they never had guns, the guns were planted by officers, and then the officers lied to investigators," said Lewis.

House checks help insure domestic tranquility

As a way of helping vacationing residents feel more secure, the Largo, Fla., Police Department initiated a new program last month that uses volunteers to monitor homes while their owners are away.

The idea came from Chief Lester Aradi, who assumed command of the agency in February, said the department's public information officer, Mac McMullen. Among the first things Aradi noticed about his new city, he said, was the high rate of residents on their way to or from vacation.

"Chief Aradi is from the Chicago area, he's not a native of the state," McMullen told Law Enforcement News. "One of his initiatives was this program."

The goal of the initiative is to curb burglaries which rose to 202 during the first six months of 2001, compared to 187 during the same period last year.

Residents who will be gone for up to two weeks may come to the police station or call in with information such as a telephone number where the homeowner can be reached and a way for police to reach a friend in the area. The department then forwards the information to Lee Clancy, coordinator of its Volunteers in Policing (VIP) program. Working in pairs, the volunteers walk around the residence, making sure doors and windows are secure and looking for signs of vandalism. If they notice a problem, said McMullen, they stay back and call police. Checks will be conducted both day and night.

"For me, as a homeowner, I would like to have a car come by my house," said Clancy. "To me, it's a good deterrent."

Several months ago, the department was called by a homeowner who forgot to turn his hose off before leaving for vacation. Police turned the water off, said McMullen, thereby sparing the owner from "a zillion-dollar water bill" and preventing his home from flooding.

"That's the auxiliary effect," he said. "Not only does it make your home secure, but it takes care of some of those loose ends you might have forgotten to check on."

Internal study: Riverside's storefront stations are no wholesale success

Although hailed as a way of bringing law enforcement to the community, the Riverside, Calif., Police Department's storefronts have been less than successful, according to an internal report that found them to be underused and frequently closed.

There is a "level of diminishing returns" when it comes to storefronts, said Lieut. Pete Curzon, who prepared the study. The storefronts are more involved in "community relations than community policing," he observed.

The civilian police employees who man the storefronts are dedicated to their jobs, said Curzon, but their efforts are thwarted by a lack of daily information about crimes in the area. Moreover, the storefronts lack custodial care and there are few if any volunteers to help out. One facility was infested with cockroaches, said the report.

Chief Russ Leach said he was looking into how to make the storefronts more successful. "It's a wonderful way

to bring the department into neighborhoods," he said in an interview with The (Riverside) Press-Enterprise. "When you talk about foot beats and bike patrols and permanent storefronts, they're all an effort to enhance community policing, but what are the benefits? Is it paying off? Is there a way to get more people to use them?"

In San Bernardino, for example, six "community service offices" are spread throughout the city. Staffed with nonsworn personnel, they take reports



The Riverside P.D.'s Galleria storefront.

used extensively by different people in the community. Folks come in frequently to have contact with us."

One of the problems with Riverside's storefronts is that they are staffed by just a single person. While that person is out in the community, helping residents, the storefront is closed. It is

and perform other services. Each office, open from 8 a.m. to 5 p.m., are staffed by two employees. Officers also work out of the storefronts.

Said San Bernardino Sgt. Michael Kimball: "They're

a Catch-22, said Nancy Castillo, a civilian employee for 11 years.

Castillo started out in the department's Mission Grove facility, but now works at the downtown storefront. Mission Grove, located in a shopping center, is closed on the weekends when the area's movie theaters and stores are bustling.

Said Leach: "What's the only business closed out there? Us. We can't afford to be."

The downtown storefront also has its problems being in an area where the homeless congregate and panhandle. "People just don't feel comfortable there," Dave McNeil, a long-time resident, told The Press-Enterprise.

Among the alternatives listed by Curzon for improving the storefront program is either upgrading equipment and putting more money into all seven offices, or reducing their number to three "super" storefronts and using mobile community-policing facilities.

Now more than ever, E-911

Although industry lags, terror attacks give new impetus to tracking cell phone calls

While the push has been ongoing to get wireless communications providers to implement an industry-wide tracking system for cellular phones, the need for such technology was given new urgency in the wake of the World Trade Center disaster last month, according to members of the public safety communications community.

"The public safety agencies have been very active in making this push to get the FCC [Federal Communications Commission] to get this implemented and certainly will continue that," said Woody Glover, director of 911 programs and communications center operations for the Association of Public Safety Communications Officials (APCO).

"We can't help but think the terrorist incidents would help to heighten awareness of a good emergency response system, including the 911 system and wireless phones. We expect it will certainly enhance awareness of the public and create even more and more demands for it," he told Law Enforcement News.

Implementation of the E-911 system, which would give law enforcement the ability to track a mobile phone to within 150 to 1,000 feet of its location, has been the source of a growing political furor. Verizon Wireless, Nextel Communications Inc., and AT&T Wireless and other carriers, who five years ago were given an Oct. 1, 2001, deadline to begin selling and activating such systems, are still not ready. In August, industry leaders asked for up to a year's delay, citing the system's high cost and questions about its accuracy.

At present, it is possible to determine the origin of a wireless emergency call only to within five to 10 miles.

"Everyone knows that what we have now is not good enough, but the carriers are reticent to deploy solutions they see as expensive and technically complicated," John Melcher, vice president of the National Emergency Number Association, told The New York Times.

The delays have angered members of Congress, as well as the Federal Communications Commission. In a letter to FCC chairman Michael K. Powell on July 31, Representative Anna

G. Eshoo (D.-Calif.) and 15 other members of the House wrote: "There has been adequate time for wireless carriers and manufacturers to take the necessary steps which would allow them to meet these long-established deadlines. Any further delays in E-911 deployment may result in loss of life."

What particularly angers lawmakers is the successful promotion of cellular phones as a boon to public safety. Since 1993, a charitable group backed by a cellular industry trade association, the Cellular Telecommunications and Internet Association (CTIA), has given out more than 50,000 wireless phones to women's shelters. About 51 million calls are made to 911 and other emergency numbers by the nation's 120 million cell phone users each year, said CTIA.

In March, a Chicago public school teacher was kidnapped and forced into the trunk of a car. Although she was able to call for help using her cell phone, 911 dispatchers could not accurately pinpoint her location. By the time the victim, Wardella Winchester, was found in Indiana two days later, she had been fatally shot.

Even Powell said, in a statement sent to Senator Daniel K. Inouye (D.-Hawaii) that he was fed up with the delays. Implementation of E-911 is an "important public safety goal," he said. The FCC will not hesitate, said Powell, to take enforcement action if carriers fail to comply with requirements for the first two phases of implementation.

Phase I was the mandate that carriers come up with wireless location technology by Oct. 1. Phase II requires network-based systems to be able to determine a mobile phone users location within 100 meters 67 percent of the time, and within 300 meters 95 percent of the time.

Said Glover: "Certainly the technology exists. Now whether it exists to the accuracy that's needed, it depends on who you're talking to. The carriers say they've tested it and the accuracy that is demonstrated so far is not quite as good as the FCC requires. The vendors who are offering to implement the technology are saying it does meet those requirements. That's something the FCC is trying to weigh out now."

Several types of location technology exist, with the least accurate tracing a caller to an individual cell. In urban areas with many cells, this could be within 500 feet. But accuracy decreases in areas with fewer cells. Handset-based technology requires cell phones to have built-in Global Positioning System receivers. These would be accurate within a 150-foot radius. And a network-based system determines location through triangulation, measuring differences in times of arrival of a cell phone signal at three or more transmission stations. This method is accurate to within 300 feet.

Carriers that rely on new handsets to provide tracking were expected to begin implementation by Oct. 1 under FCC regulations. Certain activation milestones were expected after that, with the goal that 100 percent of new phones would have E-911 capability by the end of 2005. For those carriers that plan to install the technology only on their own networks, agency rules compel them to serve 100 percent of a community within 18 months of a request by public safety officials or by Oct. 1, 2002, whichever is later.

"Oct. 1 was never looked on as a date when a switch was going to be turned and the whole country was going to have location technology," said Mike Amarosa, vice president for public affairs for TruePosition, a Pennsylvania-based wireless location provider which is seeking to provide wireless carriers with E-911. "It takes time. These are not shrink-wrapped systems, these are customized systems which have to be adapted to particular networks, particular geography."

TruePosition uses a network-based technology that acts as an overlay on the wireless system. "Ours, when it is in place, can deliver the information [cell phone transmission] through a third party, or we can send it off to the Public Safety Answering Point [911]," Amarosa told LEN.

The company was able to locate about 1,600 signals in the area of the World Trade Center. "We handed over the information to officials who were able to check it against the numbers of people who could possibly be in the call sites," Amarosa told The New York Times.

Continental divide:

Black & white cops split on use of force

Continued from Page 1
percent of African American officers agree."

Whether blue transcends black and white depends on what question is asked, said Hubert Williams, president of the Police Foundation and former police director of Newark, N.J. When it comes to issues such as whether police need firearms, or whether force is necessary for the discharge of their duties, there will be uniformity, he said.

"This is America and let us not forget our history," Williams told LEN. "Black folks and white folks in this country, tracing back in time, came up on two different sides of the track. Even today, this business of abuse of authority and racial profiling occurs within the minority communities, particularly the African American community, so it's not unusual to me that officers who grew up in these communities and later became police officers have a different perspective than officers who came up in suburban or rural areas."

The report was based on a telephone survey of 925 sworn personnel of all ranks from 113 departments nationwide. Out of that sample, more than half, 56 percent, described themselves as patrol officers, while another 16 percent said they were investigators. Fifteen percent were sergeants and 13 percent were lieutenants or higher. They ranged in age from 22 to 66, and more than a quarter held bachelor's degrees. Thirty-three percent responded that they had some college.

The sample was 6.2 percent Hispanic, and 10 percent said they were African American. Men made up 91.5 percent of the sample.

"The culture of policing is like the ocean, it's vast and it covers everything."

— Hubert Williams

Nearly all of the participants said they were satisfied with their career choice, despite the controversies attendant to police work. Still, 46 percent said they found their jobs extremely stressful.

According to the survey, while most officers disapprove of excessive force, there is a substantial minority who feel constrained by the law when it comes to performing their duties. When queried as to whether they believe it is sometimes acceptable to use more force than the law allows, 21.2 percent of participants answered in the affirmative, and 6.2 percent said they strongly agreed, while 60 percent disagreed. Nearly one-fourth said they believed police are not permitted to use as much force as is necessary to make arrests. More than half of officers, 58.9 percent, said police department rules about the use of force should not be any stricter than the strictures spelled out by law.

"The good news, of course, is that most police officers do not feel this way," said Weisburd. "The bad news is that in policing, even a relatively small

minority of officers can have a very important effect on the reality of police abuse and the ways in which citizens perceive police behavior."

When it came to their own departments, 14.7 percent said verbal abuse was met with physical force "sometimes, often or always" by colleagues. Fifty-three percent said it seldom occurred, and 31.8 percent said it never happened. Asked in general, whether officers should be allowed to use physical force in response to verbal abuse, 67.6 percent said no.

But nearly all participants, 97 percent, agreed that serious cases of misconduct such as the Rodney King or Abner Louima cases, were isolated events and "extremely rare" in their agencies.

Researchers also found a chasm between what officers think about protecting wrongdoers in the ranks and actually turning them in.

The code of silence, said Weisburd, is "very much alive" in agencies. "While most police officers disagree with the statement that the code is an essential part of the mutual trust necessary to good policing, two-thirds agree that an officer who reports another officer's misconduct is likely to be given the cold shoulder."

One-quarter of participants agreed with the statement that whistle-blowing is not worth it, and more than half said that an officer who reports a colleague's actions will be ostracized. Half said that it not unusual for officers to turn a "blind eye" to improper conduct. Fifty-eight percent disagreed with the statement that police always report serious violations of abuse of

authority.

Supervisors, however, felt that silence about criminal activities by cops is a thing of the past. Said one: "I hear a lot of cops saying that they are not going to lose their house because of you."

The survey presented a number of scenarios involving misconduct and asked officers questions about the seriousness of the action and what the consequences should be. In one, a handcuffed suspect sitting at an officer's desk, turned and without provocation, spit in the officer's face. The officer immediately pushed the suspect in the face, causing him to fall from his chair onto the floor.

Fifteen percent of respondents did not feel that to be a serious offense at all, while 63 percent believed it was moderately to very serious. Yet only 3 in 10 said they would definitely report the incident. Only 11 percent said they thought most officers in their agency would report it.

Interviews with participants revealed a range of responses and rules, many of them informal, that dictated which offenses would be tolerated. One officer admitted that he might turn his head while his partner "smacked a crook," but would not countenance stealing. Ninety percent of the time, he said, he would not do something that would get him into trouble.

Another respondent said that his unit had rejected the code of silence. There is an understanding, he told researchers, that nobody lies for anybody else. One emphasized to researchers the line that is drawn at felonies. "I don't know a cop out there [who's] going to go to

prison for another cop," he said.

Dishonest officers, another respondent noted, can tell who has integrity. As a result, those officers do not get pulled into questionable activities.

"The culture of policing is like the ocean, it's vast and it covers everything," said Williams. "These officers being accused of remaining silent, this is a part of the police culture. You will find it may be heightened and emphasized to a greater degree in policing because the dependence on a fellow officer is so much greater than other professions where you have life or death hanging in the balance if you don't get the support you need."

The study found the highest percentage of officers, 44.2 percent, believed the media was too concerned with police brutality. A slightly lesser percentage, 41.6, believed the public was, too. Supervisors and rank-and-file participants alike said they are often judged on misdeeds by other departments.

Among the report's other findings were that most officers believe that training in ethics, interpersonal skills and cultural awareness was effective at preventing abuse. The majority of rank-and-file participants, however, felt that community policing had no impact on either the number or seriousness of excessive force incidents. Conversely, most of the supervisors said they felt it decreased the frequency and severity of such incidents.

Eighty-percent of rank-and-file officers felt that a strong position taken by a chief against abuse of authority could make a difference, according to the study. Nearly all supervisors — more than 90 percent — agreed.

Schenectady's bad news only gets worse

The suspension in August of yet another member of the Schenectady, N.Y., Police Department — bringing to five the number of sworn personnel caught up in an ongoing federal corruption probe — is not surprising in an agency where pranks and boorish behavior have long been a problem, say observers.

On Aug. 24, Patrolman William Marhafer, 30, was placed on indefinite administrative leave based on the advice of officers working with the FBI, said Mayor Albert P. Jureczynski. Six weeks later, in a development that added another harsh sidelight to the case, Marhafer shot himself to death in the police station's locker room.

Jureczynski did not reveal the details of Marhafer's alleged involvement in the corruption case, but said the suspension was similar to the disciplinary action taken against Lieut. Michael Hamilton, who was suspended last November. Hamilton, the highest-ranking officer indicted in the probe thus far, was charged in April with warning an informant she was under police surveillance.

The investigation launched by the FBI in 1999 has thus far claimed the careers of four officers who have all

been charged with extorting drug dealers and trading crack cocaine for tips from informants, mainly drug-addicted prostitutes.

In addition, members of the 165-member force have been found to have engaged in a practice called "relocation," or taking drug- or drink-addled individuals outside city limits and dumping them there with no means of getting home. Other allegations include paying a prostitute with crack at an officer's bachelor party and harassing a civilian wearing an FBI cap.

Although city and department officials invited the FBI to monitor the department in 1999, it now appears that the federal investigation had been underway prior to that, according to a report in The (Schenectady) Daily Gazette. Chief Gregory T. Kaczmarek told the paper in August that he had launched his own internal investigation one year before the FBI stepped in.

But federal oversight had long been urged by the city's NAACP chapter, said Olivia Adams, the organization's president. Frustrated in their attempts to get Jureczynski and Kaczmarek to hear their complaints, she said, the group got in touch with the FBI. City officials asked for help after

Schenectady and its police force were hit with a brutality lawsuit involving two sisters who claimed they had been arrested and beaten at department headquarters after warding off the romantic advances of an off-duty officer.

According to Fred Clark, the NAACP's second vice president, a list of names given to Mayor Jureczynski and Kaczmarek a year earlier of six officers accused by the organization of improper conduct included four of the five officers caught up in the investigation. "They were alerted to the fact they had some rogue cops," said Clark. "The irony of that list that was given is that you could have put a check mark by the names of all the officers that are being indicted right now," he told The Daily Gazette.

Lieutenant Eric Yager, who retired two years ago as head of the department's vice squad, said in a sworn deposition that he had told Kaczmarek in 1997 that some of these same patrol officers were taking money and drugs from street dealers. The chief dismissed his warning, he told The Gazette.

Yager's comments were made in connection with a civil suit filed by a black man, Michael Sampson, who was driven outside of city limits by two white officers in 1999 and left to find his way home without his shoes.

Sampson filed a civil rights lawsuit two years ago. Under oath, Officer Richard E. Barnett said he told Sampson "to get out and have a nice walk back to Schenectady." It was a "common practice for a lot of midnight shifts taking intoxicated people out of the city," he testified. "Relocation," said Barnett, was an unwritten department policy. Agency officials have denied that.

Barnett and his partner, Officer Michael Siler, were suspended in connection with the incident. In August 2000, however, the officers were indicted on drug and extortion charges

unrelated to the Sampson case. As part of a plea agreement, Barnett said that he and his partner once paid an informer with crack. A search of the officers' lockers turned up drugs used for that purpose. He agreed to cooperate with federal investigators, as has Siler.

That cooperation led to the charges against Hamilton in April and against Officer Nicola "Nick" Messere last month. The 1998 winners of the Chief's Award, the department's highest honor, the pair were dubbed the "Dynamic Duo" by Kaczmarek.

Messere, 42, pleaded not guilty before U.S. District Court Judge David Hurd to a charge of distributing crack cocaine. According to Siler, who pleaded guilty to racketeering, extortion, drug distribution and drug possession as his trial was about to begin on July 23, Messere gave a few "bumps" of crack to an informant, Tina Martinez, on July 19, 1998. Martinez, a prostitute who served time for burglary, told FBI agent Laura Youngblood that Messere drove up to her and threw her the rocks. The bureau also claims to have taken similar statements from three other women. Two of those were informants for Siler, and were expected to testify against him.

Messere faces up to 20 years in prison if convicted. By cooperating, Siler had his sentence capped at 47 to 57 months in custody. Barnett also pleaded guilty to drug distribution and extortion and is expected to get a reduced sentence.

"It's the department's culture and lack of supervision that has unleashed officers to do simply what they please," Kevin Luibrand, a civil-rights attorney representing Sampson, told The New York Times. "That's the common theme in the whole situation: They don't feel limited."

Kaczmarek, who has weathered the storm buffeting his department even as

City Council members have called repeatedly for his resignation, acknowledged that some officers have a sense of entitlement which, coupled with some inadequate department procedures, has caused trouble. And he has had his own image problems.

Several months ago, he had to apologize for some off-color remarks made while bantering with the mayor during a shock-jock radio program. More significant was his admission that he had lied to the City Council about a detail in the Sampson case in an effort to protect the federal investigation and find the source of a leak.

In a sworn statement on Jan. 4, Kaczmarek said he had not been truthful when he told the council that investigators had found an identification card belonging to Sampson in one of the officers' lockers. His hunch was confirmed when the story surfaced on a television news report. The reporter said her source had been the council. City officials gave Kaczmarek a vote of no-confidence in March and called for the appointment of a federal monitor to oversee the agency.

In May, a retired National Guard colonel, Richard F. Buehler, was appointed by Jureczynski as the police department's administrative services coordinator, a job that will include overseeing the agency's Professional Standards Unit, which handles internal investigations of civilian complaints against officers. Some council members said the appointment was a political move by the mayor aimed at defusing some of the pressure to bring in a federal monitor.

Kaczmarek, meanwhile, told The Daily Gazette that he is hopeful the investigation will prove his critics wrong. "We've got two guys going to prison and two other guys facing charges," he said. "Nobody can accuse us of throwing this under the rug."

Greensboro gets 'em while they're young

The first four of what the Greensboro, N.C., Police Department hopes will be many more cadets to come entered college this summer under a unique partnership agreement between the agency and a number of local schools.

Called SOAR, for Student Outreach and Recruiting, the three-year-old initiative allows teenagers to earn an associate's degree tuition-free at Guilford Technical Community College, or at the University of North Carolina-Greensboro and North Carolina Agricultural & Technical State University with \$1,100 in tuition assistance. There are presently 14 high schoolers in the program.

According to Officer A.J. Ricketts, SOAR's coordinator, the department decided it would do something to get students interested in a law enforcement career and keep them interested with a college scholarship as incentive.

"We've had a problem with recruiting police officers because everyone wants to work elsewhere and make a million dollars," he told Law Enforcement News. "We decided to try and get high school students, freshmen, sophomores, who are interested in becoming police officers. We put them in the program, expose them to the police department and its different sections, and each month we have meetings where we do training," said Ricketts.

SOAR participants also engage in community service projects with the department, including food drives and working at rest homes with the elderly. When they reach their junior and senior years of high school, they begin taking college courses in criminology at Guilford. Students can earn up to 20 college credits before graduating from high school.

To be a participant, students must have at least a 2.0 grade point average and a good attendance record, said Ricketts, who conducts a background

"Everyone wants to work elsewhere and make a million dollars. We decided to try and get high school students who are interested in becoming police officers."

check of applicants as well. After that, he speaks with the teenagers' parents, he said.

Money for SOAR comes from donations and from events held by the department. Ricketts is organizing a golf tournament and a gospel concert scheduled for Easter. While the colleges take care of tuition, or offers it at a reduced rate to members of SOAR, the department pays for books, fees and other miscellany. Once they graduate from college, they enter the police academy. Those who finish a two-year degree through the program are obligated to serve with the Greensboro force for three years; those with a bachelor's degree, for five years.

Ricketts said Chief Robert C. White, who initiated the program in 1999, hopes to make a two-year college education a requirement for entry into the department. "I'm the beneficiary of a college education," Ricketts told LEN. "When I got here [Greensboro], I went back to school and it just improved my performance. The more education you have, the better informed you are. It improved me as a person as well as a police officer."

Moreover, the department is looking forward to the added benefit of having recruits from its own jurisdiction. "Who better to work in the city than people who are from the city?" Ricketts observed.

That was then. . . October 1976

A look back at the events of this month 25 years ago, as reported in Law Enforcement News.

• For the first time, women officers are assigned to patrol duties in Philadelphia. The assignment of 56 female rookie cops to street patrols comes as part of the settlement of a federal civil rights lawsuit.

• After six years of partisan wrangling in Congress, the Public Safety Officers Benefits Act is signed into law. The measure authorizes payments of \$50,000 to the survivors of officers who die in the line of duty.

• Angry New York City police officers take to the streets to protest ongoing layoffs, new work charts and other contract changes.

"Waste, poor coordination and widespread mismanagement have enabled LEAA to spend \$5.2 billion while making almost no contribution to reducing crime."

— Georgia Gov. Jimmy Carter, the Democratic nominee for President, in his first major campaign speech on crime.

"In my crime message to Congress, I called for a comprehensive federal criminal code. . . I called for mandatory minimum sentences. . . I called for compensation of the victims of federal crimes. In response. . . the Congress has done nothing."

— President Gerald R. Ford, in a speech to the annual conference of the IACP.

A top city official warns that the department, which has already lost more than 6,000 officers, might face further cuts to balance the city budget.

• In a House-Senate compromise, the Crime Control Act of 1976 authorizes a 10-year term of office for the director of the FBI.

• The IACP presents a \$5,000 award to the developer of the Magna Trigger Safety System, a trigger-locking device based on a magnet ring worn by the gun's rightful user, which some hail as "the greatest advance in police weaponry in the past 100 years."

What to do with PD's budget surplus?

Continued from Page 1

their will on everybody in the form of a tax break."

The council would also like to change the percentage of undedicated funds the department receives and it has the authority to pass an ordinance to accomplish that.

"I think we should always ad-

equately fund the department, but I do not think the city of Kenner should act like a bank and collect money that will keep carrying forward and earn interest," said Councilman Phil Capriano. "If we're not going to give the money back in the form of property-tax reductions, we should look at distributing it elsewhere."

Other observers contend that the surplus should be given to other city agencies, such as the fire department, which has complained in recent months about needing more money for firefighters' pay.

"That money should either go back to the citizens, or it should be equalized among some of the other depart-

ments that could really benefit from getting some more money to get their own projects off the ground," said Kent Denapolis, a city resident and spokesman for the Alliance for Good Government, a nonprofit group. "I definitely want a fantastic police department," he told The New Orleans Times-Picayune, "and that's what we have. But if he's

looking at too much money, year after year, maybe the city should be redistributing it."

Janet Howard, director of the Bureau of Governmental Research, an independent watchdog group, said that common sense would "suggest budget allocation be revisited" when a department is consistently looking at such a large surplus.

According to Congemi, it would not be so large if he had been able to hire the additional 50 officers he promised when elected three years ago. Attrition has complicated the goal of expanding the department. In the past 10 years, the department has hired 141 officers, but has lost 109. Kenner has fewer officers per resident than other comparable cities, said Congemi. While Monroe, with a population of 53,107, has one officer for every 296 residents, Kenner has one for every 534 people.

The money allocated for that personnel has been rolled over each year, with some spent on capital projects such as a new jail and police complex worth about \$12 million.

"The council has the responsibility to build a jail and police complex and has refused to do so since 1990, even though we had a jail that was more like a dungeon," Congemi told LEN. "Even though I'm charged with the responsibility of running it, I'm really not supposed to build its structures, but because it was so unsafe, I decide to use the annual [surplus]" instead of hiring more officers and equipment, he said.

Congemi said he plans to use \$2.25 million of the surplus on equipment for 50 new officers, including \$150,000 for uniforms, \$100,000 for radios and about \$500,000 on a covered walkway for the parking lot of the department's complex.

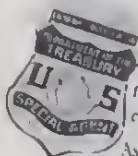
For that reason, some council members are hesitant to touch the department's money. Councilwoman Betty Bonura said she wanted to find out whether Congemi can add more officers before making cuts.

"I don't have definitive knowledge how much surplus he's going to have in the future," she told The Times-Picayune. "I have to give the gentleman his due. If he's telling me he's going to hire people, I'm going to have to wait until he does that."

Nevertheless, the surplus amassed by the department is unusually large, state analysts agree. In general, all of the state's police agencies are suffering from funding problems with the exception of Kenner, said Tom McHugh, executive director of the Louisiana Municipal Association.

Instead of admonishing or resenting Congemi, however, most other chiefs are envious of his resources. "I just wish I had a gambling boat like Kenner," said Monroe Police Chief Joe Stuart. While his department is not currently hurting for money, he said, it could always use more to boost salaries and buy more equipment.

"I just gave them [officers] a base salary of \$30,000, but \$30,000 for a starting salary for a police officer is not a lot of money," said Congemi. "But that's how they've held these officers down in this part of the country for a long time. The Southern average is about \$34,000. Just because in Louisiana I have taken the approach of giving these officers a decent, living wage, they try to cast it as being extravagant. It's not extravagant at all."



Money launderers, racketeers, drug traffickers, mobsters, and tax evaders - caught in the act.

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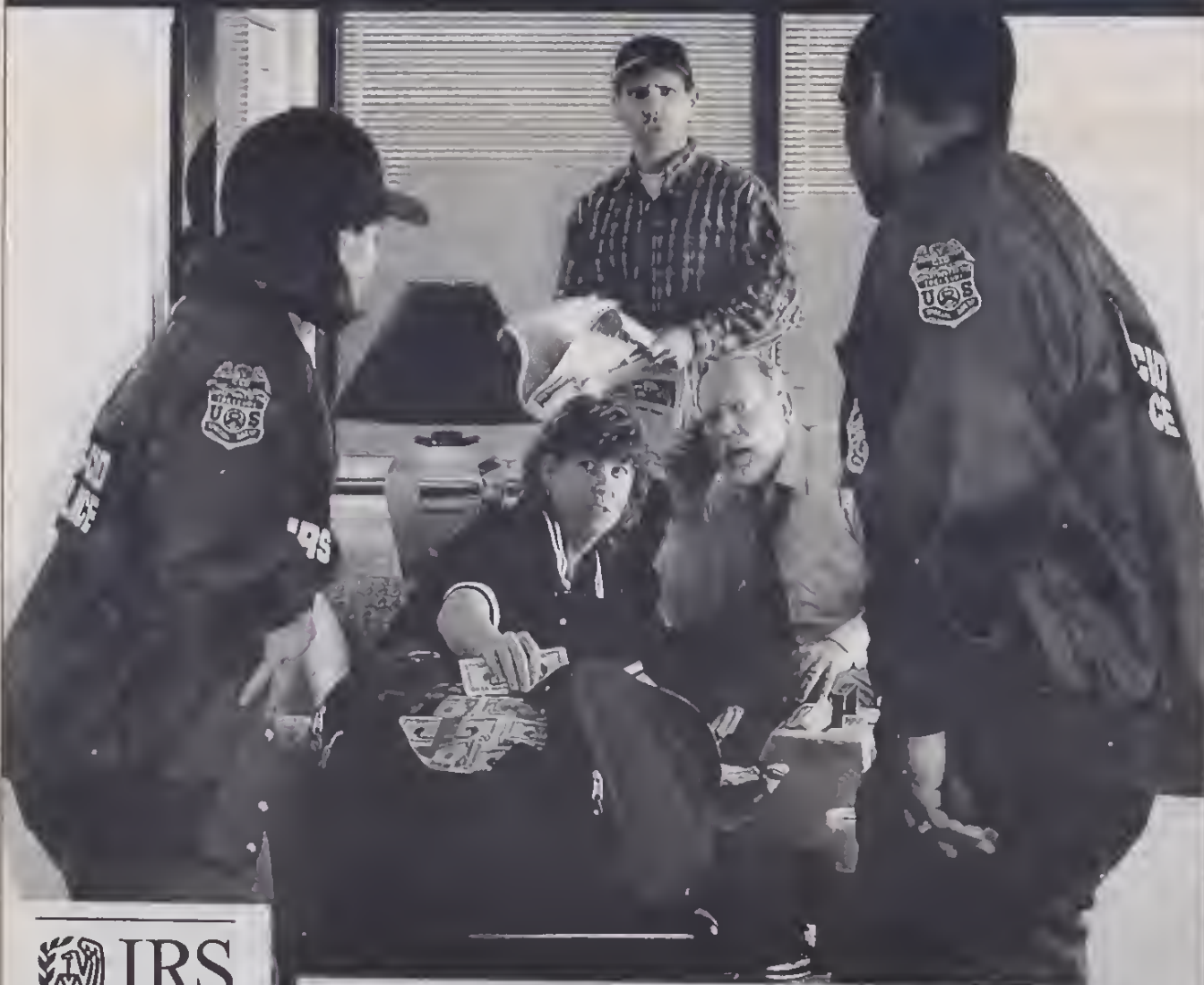
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Kinsley:

When is racial profiling okay?

By Michael Kinsley

When thugs menace someone because he looks Arabic, that's racism. When airport security officials single out Arabic-looking men for a more intrusive inspection, that's something else. What is the difference? The difference is that the airport security folks have a rational reason for what they do. An Arab-looking man heading toward a plane is statistically more likely to be a terrorist. That likelihood is infinitesimal, but the whole airport rigmarole is based on infinitesimal chances. If trying to catch terrorists this way makes sense at all, then Willie-Sutton logic says you should pay more attention to people who look like Arabs than to people who don't. This is true even if you are free of all ethnic prejudices. It's not racism.

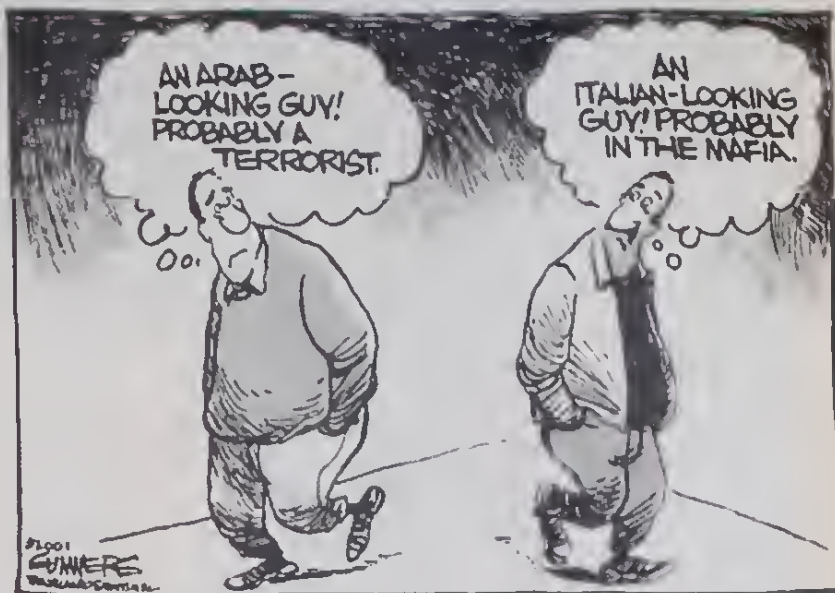
But that doesn't make it okay. Much of the discrimination that is outlawed in this country — correctly outlawed, we (almost) all agree — could be justified, often sincerely, by reasons other than racial prejudice. All decisions about whom to hire, whom to admit, whose suitcase to ransack as he's rushing to catch a plane are based on generalizations from observable characteristics to unobservable ones. But even statistically valid generalizations are wrong in particular instances. (Many blacks are better prepared for college than many

(Michael Kinsley is the editor of Slate, the online magazine (www.slate.com), and writer of a weekly column for The Washington Post, where this commentary originally appeared.)

"We're at war with a terror network. . . planning more slaughter. Are we really supposed to ignore the one identifiable fact we know about them? That may be asking too much."

whites. Virtually every Arab hassled at an airport is not a terrorist.) Because even rational discrimination has victims, and because certain generalizations are especially poisonous, America has decided that these generalizations (about race, gender, religion and so on) are morally wrong. They are wrong even if they are statistically valid, and even if not acting on them imposes a real cost.

Until recently, the term "racial profiling" referred to the police practice of pulling over black male drivers disproportionately, on the statistically valid but morally offensive assumption that black male drivers are more likely to be involved in crime. Now the term has become virtually a synonym for racial discrimination. But if "racial profiling" means anything specific at all, it means rational discrimination: racial discrimination with a non-racist rationale. The question is: When is



that okay?

The tempting answer is never: Racial discrimination is wrong no matter what the rationale. Period. But today we're at war with a terror network that just killed 6,000 innocents and has anonymous agents in our country planning more slaughter. Are we really supposed to ignore the one identifiable fact we know about them? That may be asking too much.

And there is another complication in the purist view: affirmative action. You can believe (as I do) that affirmative action is often a justifiable form of discrimination, but you cannot sensibly believe that it isn't discrimination at all. Racial profiling and affirmative action are analytically the same thing. When the cops stop black drivers or companies make extra efforts to hire black employees, they are both giving certain individu-

als special treatment based on racial generalizations. The only difference is that in one case the special treatment is something bad and in the other it's something good. Yet defenders of affirmative action tend to deplore racial profiling and vice versa. The truth is that racial profiling and affirmative action are both dangerous medicines that are sometimes appropriate. So when is "sometimes"? It seems obvious to me, though not to many others, that discrimination in favor of historically oppressed groups is less offensive than discrimination against them. Other than that, the considerations are practical. How much is at stake in forbidding a particular act of discrimination? How much is at stake in allowing it?

A generalization from stereotypes may be statistically rational, but is it necessary? When you're storming a plane looking for the person who has planted a bomb somewhere, there isn't time to avoid valid generalizations and treat each person as an individual. At less urgent moments, like airport check-in, the need to use ethnic identity as a shortcut is less obvious. And then there are those passengers in Minneapolis last week who insisted that three Arab men (who had cleared security) be removed from the plane. These people were making a cost, benefit and probability analysis so skewed that it amounts to simple racism. (And Northwest Airlines' acquiescence was shameful.)

So what about singling out Arabs at airport security checkpoints? I am skeptical of the value of these check-in rituals in general, which leads me to suspect that the imposition on a minority is not worth it. But assuming these procedures do work, it's hard to argue that helping to avoid another Sept. 11 is not worth the imposition, which is pretty small: inconvenience and embarrassment.

A colleague says that people singled out at airport security should be consoled with frequent flier miles. They're already getting an even better consolation: The huge increase in public sensitivity to anti-Muslim and anti-Arab prejudice, which President Bush — to his enormous credit — has made such a focal point of his response to Sept. 11. And many victims of racial profiling at the airport may not need any consolation. After all, they don't want to be hijacked and blown up either.

Other Voices

Editorial views on criminal justice issues from the nation's newspapers.

Return of Profiling: A Distasteful Necessity in these Dangerous Times

As investigators continue to search for suspects in the Sept. 11 terrorist carnage, law enforcement's disquieting reliance on ethnic profiling has returned. Last week, state Attorney General John Farmer Jr. added to the debate over when such profiling should be used by saying that it was impossible for law enforcement to investigate these monstrous crimes without considering ethnicity.

Unfortunately, in these times of unprecedented danger, he is right. The terrorists who hijacked the planes and wreaked destruction 19 days ago have been linked to Osama bin Laden, the leader of a terrorist network who has enlisted Muslims in the Arab world to fight his jihad against America. It's more than likely that those suspected of using the planes to attack civilian targets and inflict maximum casualties were from the Arab world. Law enforcement officials say that terrorists have been planning other attacks.

While it is necessary to consider ethnicity as a factor when investigating the terror attacks, it should not be the only criteria used — as the attorney general rightly pointed out. Indeed, such profiling techniques are justified only under the most extraordinary circumstances.

For example, to stop and search inordinate numbers of blacks on the New Jersey Turnpike on the chance that they might carry drugs — as the state police routinely did for years — was bad law enforcement. While the drug trade is a pox on our society, it is not a clear and present danger. The racial profiling it spawned did not seize massive amounts of illegal drugs. All that this racial profiling achieved was to cause a huge portion of the population to lose all confidence in police.

The current crisis is unprecedented. The terrorist hijackings and resultant carnage killed more than 6,000 innocent civilians in peacetime. All 19 hijackers are believed to be Arab Muslim extremists. Bin Laden, the leader of the terrorist network, is an Arab Muslim extremist, and he has said that every American is a target of his. Clearly, some heightened scrutiny measures are in order during this unprecedented situation.

That said, this sort of profiling must not be indiscriminate. The overwhelming majority of Arabs and Muslims in this country are law-abiding people. Law enforcement should not target them unless there is a reason beyond ethnicity, and they should handle the questioning with sensitivity. Otherwise, law enforcement techniques can degenerate into harassment. And that is unacceptable.

If law enforcement officers are given a little more latitude in using Arabs and Arab-Americans' ethnicity as a factor in their investigations, they

also have a special obligation to ensure that Arabs are protected from harassment from members of the public. Every bias attack against Arabs in this nation must be investigated, and violators must be prosecuted to the fullest extent of the law.

One measure of a nation's strength is its insistence that its core values be upheld, regardless of the circumstances. Eroding our principles and undermining our ideals are just another means of attack.

*The Bergen (N.J.) Record
Sept. 30, 2001*

Profiling terror: Race, Religion Should Not Be Sole Factors

Ashraf Khan was supposed to be in Pakistan yesterday celebrating his brother's wedding. But the 32-year-old San Antonio businessman didn't make it. He was ordered off his Delta Air Lines flight earlier this week. Khan was seated in first class, sipping ice water, when he was approached by the jetliner's pilot. "I'm not going to take you," the pilot told him, as Khan recounted to The Los Angeles Times. "Myself and my crew are not safe with you. They don't feel safe."

Khan was an obvious victim of racial profiling. The 11-year Texas resident was forced off his flight and humiliated before his fellow passengers merely because of his ethnic origin. Even in the wake of last week's terror attacks in New York City and Washington, it's just not right.

That's not to say ethnicity should be no factor whatsoever as the nation's skyways are made more secure, as law enforcement and intelligence agencies endeavor to track down terrorists. But race (or religion) should not be the sole factor for flagging a person as a possible terrorist. There should be other salient factors in evidence before subjecting an individual to the kind of humiliation that Khan suffered this week.

That is what is known as "probable cause," a principle set forth by the Fourth Amendment. It goes hand in hand with the hallowed principle of American jurisprudence that the criminally accused, or the criminally suspected as in Khan's case, are "innocent until proven guilty."

In his speech Thursday night, President Bush made a point that should be heeded by all Americans, including those who work in the airline industry. "The enemy of America is not our many Muslim friends," he said. "It is not our many Arab friends. Our enemy is a radical network of terrorists and every government that supports them."

*The San Diego Union-Tribune
September 22, 2001*

Note to Readers:

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In tough times, community policing shows its mettle

Continued from Page 1

"I guess in the more metropolitan cities, community policing could be impacted because of the resources," he told LEN. "In New York City, for example, or Arlington, their focus is going to be on the tragedies in those cities and all the manpower is going to be taken away from those areas that are not mandated for patrol, security, and, if you can afford it, community policing. It's a benefit that in this day and age will be difficult."

School resource officers under the community policing umbrella are going to be needed to deal with hate crimes, he said. Portland has two mosques, one frequented by immigrants from the Middle East and the other by African immigrants. On the day after the attacks, police met with members of the Muslim community and religious leaders to assure them that they would be protected, said Chitwood.

"We're certainly going to continue the community policing program," he said. "We have a very extensive program and I think we need it now more than ever."

Indeed, law enforcement should capitalize on neighborhood unity to improve their initiatives, said Maryann

"We're certainly going to continue community policing. I think we need it now more than ever."

— Portland Police Chief Michael Chitwood

Wyckoff, an expert on community policing. The concept takes root, she said, under conditions when people feel a need for greater safety and security.

"Right now, because of the sense of uniting and pulling together, you have a spirit of community that could be taken advantage of without having to go out and artificially create it which departments sometimes have to do in order to get community policing going," Wyckoff told LEN.

Wyckoff conceded that the terrorist attacks and their aftermath would provide a handy excuse for police chiefs not to undertake community policing efforts, but insisted that using the current crisis as a reason for discontinuing such initiatives would be very shortsighted. In the event of a serious threat, whole avenues of information could be cut off, she said. "We've seen that repeatedly, communities coming forward and giving information about known or

suspected criminals."

In Los Angeles, someone contacted police after two men who appeared to be of Middle Eastern descent asked to use his phone to make an emergency call because their cell phone did not work. The man became suspicious, however, when on the way back to their car, he saw one of them make a call on the cell phone. Backtracking the calls on his own phone, he found one made to Seattle and the other placed locally. He took down their vehicle's license plate number, which turned out to be rental car.

"Obviously that's information, whether it turns out to be a prank on him to use his phone for free, I don't know," said Lieut. Horace Frank, a department spokesman. "But that's the kind of information we just can't ignore, so we turned it over to the FBI with the license plates and all that stuff."

People who feel connected to their

police department may feel more confidence in law enforcement in general, and be more likely to come forward with information, whether it is to that local agency or even to a federal agency, said Wyckoff. "That's something I've never seen tested, but it seems plausible," she told LEN.

Trust may also be a key factor in the public's acquiescence in more intrusive policing than it is used to in the days ahead. Wyckoff noted that when the Madison, Wis., Police Department began doing far more intensive drug enforcement in a particular neighborhood, it used its community policing program to explain the plan to residents. Surveys later showed it to have been an effective tool, she said.

"It think it [community policing] could be a really important cushioning factor," said Wyckoff.

What will matter most is how actions are carried out, contends Minneapolis's Olson. Citizens will tolerate more intrusive measures up to a point, but that forbearance will eventually wane. "We can't step away from the fact that this is America and part of our way of life is freedom," he said.

If communities trust their police and believe that what is being done is for their own safety, said Olson, they will be comfortable with it. "It's when we aren't connected to them," he said. "I call it the Jack Webb syndrome. You can't do it that way. It's going to be a balancing act of how we do those in-

trusions, not the level of those intrusions."

In Fargo, N.D., Chief Chris Magnus credits the department's community policing philosophy with helping the agency deal with a new set of challenges and a reduced staff. It has already lost 10 of its 100 sworn personnel to the Air National Guard and could lose another nine. Law enforcement agencies are going to learn how dedicated they are to community policing or whether they have just been going through the motions, he said.

"I refuse to run this department as management by P.R. campaign, which is disappointingly effective in many places — it's rewarded, really," said Magnus. "We trying to engage our entire work force in taking on a wide breadth of community policing activity...real responsibilities related to neighborhood watch, not just delegated to individuals in the department."

Having a strong partnership with the community, he said, allows the department to rely on the public for a variety of things that include being alert to suspicious activity, school programs, even traffic and parking enforcement.

"I'm not going to pretend that the drums aren't beating sometimes," said Magnus. "You hear from patrol officers, 'We're going to have to cut back on this and just answer the calls,' but I refuse to believe that's a sacrifice we should make at this point. It's going to take a lot more before that happens."

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(101501)

Police deaths up sharply in just first half of year

WTC attack will drive total far higher

Even before the terrorist attacks on Sept. 11 that took the lives of 65 law enforcement officers, the first six months of 2001 saw an increase of nearly 10 percent in the number of sworn personnel killed in the line of duty, according to the National Law Enforcement Officers Memorial Fund. Preliminary statistics show that 81 officers were killed nationwide from January through June of this year, compared to 73 during the same period in 2000. After fatal shootings, which claimed the lives of 32 officers, automobile accidents were the next most frequent cause of death, killing 25.

"The most troubling aspect of these numbers is that for two years in a row now, it appears the number of police fatalities has increased," Craig W. Floyd, the memorial fund's executive director, said in an interview with Law Enforcement News. "Last year it increased from 137 to 150, and here we are above last year's rate for the first six months. Added to all that is this terrible tragedy in New York where it appears we've lost at least 65 officers in the line of duty. That's going to push the totals for this year well over 200."

Of the 81 officers killed through June of this year, nine succumbed to job-related illnesses; seven were struck by vehicles outside of their own cars; four died in motorcycle accidents; two in boating accidents; and one fell to his death. Another was killed in an aircraft accident.

Texas proved to be the most deadly state, according to the memorial fund, with 14 law enforcement deaths in the first half of this year, followed by Cali-

fornia with five. Six of those who died were women.

The number of officer deaths is as high as it was in 1981, said Floyd. Part of the reason is the abundance of sworn personnel — some 740,000. When even the most routine duties, such as traffic stops or training exercises, can turn deadly, there are going to be more officers killed on the job, he said.

"Simply, there is always that threat of life-threatening risk for law enforcement officers and when you put more of them out there, patrolling the streets, patrolling our roadways, looking for drunk drivers, keeping our highways safe, I think you're going to find that more officers are going to be killed."

For the past five years, noted Floyd, more officers have died accidentally than by felonious means. The figures point to law enforcement's success in combating violent crime, he said.

"Obviously, this is a terrible aberration that's occurred in that we've lost 65 officers in one incident," said Floyd, referring to the World Trade Center disaster. In 1917, he pointed out, the city of Milwaukee lost nine officers when a bomb exploded at the police station, "but this is unprecedented."

MOVING?

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Are Americans ready to buy into racial profiling?

By Jennifer Nislow

After years of enduring harsh criticism and suspicion from the public for alleged racial profiling practices, law enforcement in the aftermath of the World Trade Center disaster has suddenly found itself on the high road, as some who once considered the practice taboo are now eager for police to bend the rules when it comes to Middle Easterners.

In a poll taken by The Los Angeles Times days after the Sept. 11 terrorist attack, 68 percent of those queried said they favored law enforcement "randomly stopping people who may fit the profile of suspected terrorists." Polls taken by CNN/USA Today/Gallup found that 49 percent favored special identification cards for such people, and 32 percent supported "special surveillance" for them.

Even some civil libertarians said they would approve of a looser approach. "The difficulty we must now address is a situation in which all the hijackers are from abroad, all are from the Middle East and all are Arabic speaking," noted veteran First Amendment attorney Floyd Abrams. "In those circumstances it seems entirely appropriate to look harder at such people," he said. "Remember, Justice [Robert] Jackson said, 'the Constitution is not a suicide pact.'"

In New Jersey, where the issue has been particularly charged for years, Attorney General John J. Farmer said last month that while he would not sanction or condone the practice, Arabs, Muslims and others should be patient with police. With at least 300 people of Middle Eastern descent wanted for questioning, it is possible that someone could be stopped if they resemble specific suspects.

The irony of the situation has not been lost on law enforcement executives.

"There has been an expectation that law enforcement really step up and acknowledge that this [racial profiling] is a problem and take serious steps to put a halt to it," said Fargo, N.D., Police Chief Chris Magnus.

"What's interesting now with this crisis is we see a lot of mainstream members of the community, even from diverse racial and ethnic groups and certainly even our own politicians who have been clear that law enforcement needs to change its ways, suddenly finding that they could slip into this sort of behavior themselves when it relates to the current environment they're in," he told Law Enforcement News. "It suddenly seems at the very least a lot more understandable and at worst, defensible. It will be interesting to see how this whole pot and kettle thing works itself out."

The notion that citizens now feel differently about racial profiling is not surprising, said Edwin J. Delattre, professor of philosophy and resident scholar at Boston University's Center for School Improvement. Nonetheless, he said, the nature of integrity does not change with the circumstances. The U.S. Constitution was intended to guarantee human rights precisely because people are capable of such passions, he said.

"If we could trust in our sense of justice in the way everybody gets treated by us, we wouldn't need a constitution and laws to protect the rights of individuals," Delattre told LEN. "You can't say all of a sudden that the wrongness of making stops based purely on ethnicity, race, color or age isn't true anymore. It's still true."

Many in law enforcement agree. Allowing an exception during a crisis to policies and laws that prohibit racial profiling is a dangerous game which few if any say they will play.

"We are a nation under attack at the moment, and we are preparing for war, but the values of a police department don't change," said Chief Dean Esserman of the Stamford, Conn., Police Department. "Certain commitments we've made and all the progress that has occurred should not be undone."

In Jersey City, which has a large Arab-American community, and was briefly home to some convicted or suspected Islamic terrorists, Police Director James H. Carter said that racial profiling would not be tolerated by either the department or the populace.

"Racial profiling has never been right, and it's not right now," he said. "There is no circumstance where you do away with someone's individual rights, because that leads to chaos. It's not acceptable."

Los Angeles Police Chief Bernard C. Parks told The Los Angeles Times that even with the pronounced shift in the public's tolerance for profiling, officers must resist the urge to use racial cues when making stops. "Police officers

"All the hijackers are from abroad, all are from the Middle East and all are Arabic speaking. In those circumstances it seems entirely appropriate to look harder at such people."

— Constitutional lawyer Floyd Abrams

still have to have some cause to do anything," he said.

Under a model policy developed by the Police Executive Research Forum for responding to race-based policing, Arab ethnicity might be considered within the context of the current circumstances so long as there existed reasonable suspicion and probable cause.

Along a continuum of approaches, the policy goes a step beyond the more restrictive suspect-specific approach, which says race and ethnicity can be used only when police have a particular description, said Lorie Fridell, PERF's director of research and key author of a study on race-based policing [see LEN, July/August 2001]. Only about 5 percent of agencies use the more restrictive approach, she told LEN.

"PERF is next to it in terms of models. It encompasses the ability to use race in a suspect description," Fridell said. The policy "would allow you take into consideration [that] we've just had terrorism, every person involved was of Middle Eastern descent, we don't know who we're looking for but we have some key behavioral cues and we know these people are overwhelmingly Middle Eastern."

In applying the PERF policy as it

relates to those of Middle Eastern lineage, other possible factors that might establish reasonable suspicion include: A one-way ticket across the country paid with cash; a box cutter; or suspicious behavior. Ethnicity cannot be used as a factor when police are investigating other crimes, such as home burglaries, or when there is no locally relevant information linking Middle Eastern suspects to such crimes.

"I think our policy allows for the necessary and responsible use of race or ethnicity in that investigation" into the World Trade Center attack, Fridell said.

Some chiefs, such as Michael Chitwood of Portland, Maine, does not see issues arising out of racial profiling because he out and out rejects it as

a nationwide problem.

"You can't tell me that every time you stop someone of color, that's it's because of their race," Chitwood said in an interview with LEN. "I don't buy it, I don't accept it. Does it happen? Yeah. Is it as big a problem as it's reported to be? I don't think so."

Chitwood, through whose city some of the Sept. 11 hijackers passed en route to completing their mission, said that what has caught his attention are the complaints being leveled against the Justice Department, which has monitored efforts by law enforcement to purge itself of racially-biased practices. The department, he noted, is now being accused by members of the Arab-American community of targeting people of Middle Eastern descent.

"I just was watching [Attorney General John] Ashcroft and [FBI Director Robert] Mueller on TV, and that was one of the things they had to defend," said Chitwood.

But Delattre maintained that a distinction must be drawn between what is permissible under the authority of normal law enforcement, even at the federal level, and what federal agencies may do under the authority of President Bush as commander-in-chief to carry out a counterterrorism investigation.

Racial profiling laws under those circumstances do not apply, he said.

"You could see how difficult these things are going to be under different sources of authority," said Delattre. "It is not at all clear that the boundaries will be the same."

While the current crisis will not change the limits of police authority, he said, existing and proposed legislation with that as its goal will not hold up. The End Racial Profiling Act of 2001, sponsored by Senators Russell Feingold of Wisconsin and Hillary Rodham Clinton of New York, and by Representative John Conyers of Michigan, must be rejected, said Delattre [see LEN June 15/30, 2001].

The bill would withhold federal grant money from agencies found by

and other public spaces where people are seeking to use common facilities for travel, the uniform application of more rigorous standards of security and identification will doubtless lead to a greater apprehension of those needed to be detained and questioned, or at least a perception of greater apprehension. There is also likely to be a more widespread data base of individuals with known or suspected terrorist connections, whom police are on the lookout for, he said.

A federal "watch list" circulating at the Minneapolis-St. Paul International Airport identifies more than 100 people believed to be living in the United States and who may have been associated with the dead terrorists. All appear to be of Middle Eastern descent.

Said Minneapolis Police Chief Robert Olson, in an interview with The Minneapolis Star-Tribune: "If that's the case, then that becomes part of a legitimate profile. It's not that they're looking for all Middle Eastern people, but I guarantee you, Middle Eastern people are being scrutinized more than Germans or Swedes or whoever is coming into this country. Let's not be naive about that."

Legislators at every level should reexamine the issue and acknowledge that society has changed, said Shrewsbury, Mass., Police Chief Wayne A. Sampson. "Profiling at some level is going to be permissible," he told The Worcester Telegram & Gazette. "If airport security is going to be met, some kind of profiling is going to be done."

Indeed, around the country, some law enforcement officers said that even though they will not be stopping anyone solely on ethnicity, there will be a heightened awareness which would not be misplaced.

In Granite City, Ill., police Maj. Richard Miller said cities with large Muslim populations may get a little extra attention from law enforcement.

"It wouldn't be that far out of line to say it could happen here or terrorists may have ties here," echoed Maryland Heights, Ill., police Maj. Mike Kosuszek.

Trooper Thomas Gallagher of the Massachusetts State Police minced no words in an interview last month with WBUR-FM: "The hell with the ACLU. They've got to take a hack seat. They've got to take an aspirin and get over it... Worry about the other stuff later."



Ken Goldberg takes aim at a target bearing a picture of Osama bin Laden during practice last month at a Dallas shooting range. Sales of firearms were reportedly up sharply in the aftermath of the terrorist attacks on the World Trade Center and the Pentagon. (Reuters)

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Are Americans changing their tune on racial profiling?
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Also: Community policing's place in the battle against terrorism. Page 1.

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What They Are Saying:

"The hell with the ACLU. They've got to take a back seat. They've got to take an aspirin and get over it."

— Massachusetts State Police Trooper Thomas Gallagher, in a radio interview discussing the controversial appeal of racial profiling tactics in the wake of the Sept. 11 terrorist attacks. (Story, Page 11.)